

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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DONYAEL HENRY and  
NICKI HENRY,  
Plaintiffs,

v.

No. 2:08-cv-02346-BBD-cgc

ALLSTATE PROPERTY AND  
CASUALTY COMPANY and  
LLOYD JONES,  
Defendants.

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ORDER

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Before the Court are Plaintiffs' Motion to Alter or Amend the Judgment to Include the Total Amount of Attorneys' Fees Awarded (Docket Entry "D.E." #287) ("Motion to Amend") and Plaintiffs' Renewed and/or Revised Motion for an Order Granting the Specific Amount of Attorneys' Fees ("Renewed Motion"). (D.E. #290). The instant motions were referred to the United States Magistrate Judge for a Report and Recommendation. (D.E. #295). The magistrate judge recommended that Plaintiffs' Motion to Amend be DENIED and that Plaintiffs' Renewed Motion be GRANTED.

Based on the reasons set forth in the Report and Recommendation, the Court adopts the Report & Recommendation. For clarification, the Court determines and clarifies that attorneys' fees were granted in addition to the \$11,102.11 of costs. The amount of reasonable attorneys' fees were not determined by the District Court, but rather were left open for determination upon submission of appropriate affidavits and a hearing, if necessary. The failure of the judgment to include a fixed

attorneys' fee amount does not constitute a bar to later determination and inclusion in an amended judgment.

The Renewed Motion is denied without prejudice to a determination upon a hearing and consideration of affidavits. The Motion to Amend is granted in part and denied in part.

IT IS SO ORDERED, this 22nd day of November, 2011.

/s/ Bernice B. Donald  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE